

(b-2) *A person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes must be licensed by the Texas State Board of Plumbing Examiners as a master plumber or journeyman plumber and hold an endorsement issued by the board as a water supply protection specialist.*

(b-3) *A person who intends to connect a rainwater harvesting system to a public water supply system for use for potable purposes must give written notice of that intention to the municipality in which the rainwater harvesting system is located or the owner or operator of the public water supply system before connecting the rainwater harvesting system to the public water supply system.*

(b-4) *A municipally owned water or wastewater utility, a municipality, or the owner or operator of a public water supply system may not be held liable for any adverse health effects allegedly caused by the consumption of water collected by a rainwater harvesting system that is connected to a public water supply system and is used for potable purposes if the municipally owned water or wastewater utility, municipality, or public water supply system is in compliance with the sanitary standards for drinking water applicable to the municipally owned water or wastewater utility, municipality, or public water supply system.*

SECTION 2. This Act takes effect September 1, 2011.

Passed the Senate on May 10, 2011: Yeas 31, Nays 0; passed the House on May 25, 2011: Yeas 144, Nays 0, two present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 1241

S.B. No. 1170

AN ACT

relating to the regulation of barbers and cosmetologists.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (a), Section 1601.001, Occupations Code, is amended by adding Subdivision (1-a) to read as follows:

(1-a) *"Barber school" means a place that holds a permit issued under Subchapter H to teach the practice of barbering and may be privately or publicly funded. The term includes a barber college.*

SECTION 2. Section 1601.253, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) *The commission shall adopt rules for the issuance of a Class A barber certificate to a person who holds an operator license under Chapter 1602. The department shall issue the certificate to an applicant who:*

- (1) *holds an active operator license under Chapter 1602;*
- (2) *completes at least 300 hours of instruction in barbering that includes barber history and shaving through a commission-approved training program in a barber school;*
- (3) *passes the examination required under Subsection (a); and*
- (4) *submits to the department:*
 - (A) *an application on a form prescribed by the department; and*
 - (B) *the required fee.*

SECTION 3. Section 1601.254, Occupations Code, is amended to read as follows:

Sec. 1601.254. **ELIGIBILITY FOR BARBER INSTRUCTOR LICENSE** ~~TEACHER'S CERTIFICATE~~. (a) *A person holding a barber instructor license may perform any act of barbering and may instruct a person in any act of barbering.*

(b) *To be eligible for a barber instructor license, an [An] applicant [for a teacher's certificate] must:*

- (1) *be at least 18 years of age;*
- (2) *have a high school diploma or a high school equivalency certificate;*
- (3) *hold a current [be a] Class A barber certificate;*
- (4) ~~[(2)]~~ *have completed:*
 - (A) *a course consisting of 750 hours of instruction in barber courses and methods of teaching in a barber school; or*
 - (B) *at least one year of work experience as a licensed Class A barber and:*
 - (i) *have completed 500 hours of instruction in barber courses and methods of teaching in a commission-approved training program;*
 - (ii) *have completed 15 semester hours in education courses from an accredited college or university within the 10 years preceding the date of the application; or*
 - (iii) *have obtained a degree in education from an accredited college or university;*
- (5) *pass the required examination.*

(c) *The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of barbering as defined by Sections 1601.002(1)(C)–(H) and (K) [five years' experience as a practicing barber in a barbershop, two years of which occurred in the two years preceding the application date; and*

~~[(3) submit the required examination fee with the application].~~

~~[(b) An applicant must submit a new application and fee for each examination taken by the applicant. Fees paid are not refundable.~~

~~[(c) The department shall issue a teacher's certificate to an applicant who:~~

- ~~[(1) passes the appropriate examination; and~~
- ~~[(2) pays the required certificate fee.]~~

SECTION 4. Subchapter F, Chapter 1601, Occupations Code, is amended by adding Sections 1601.261, 1601.262, and 1601.263 to read as follows:

Sec. 1601.261. ELIGIBILITY FOR SHAMPOO APPRENTICE PERMIT. (a) A person holding a shampoo apprentice permit may perform only barbering as defined by Section 1601.002(1)(I).

(b) The department shall issue a shampoo apprentice permit to an applicant who is at least 16 years of age.

(c) A shampoo apprentice permit expires on the second anniversary of the date of issuance and may not be renewed.

(d) The commission shall adopt rules as necessary to administer this section. The commission may not require an applicant to:

- (1) complete any hours of instruction at a barber training program as a prerequisite for the issuance of a shampoo apprentice permit; or*
- (2) pay a fee for a shampoo apprentice permit.*

(e) A facility licensed under this chapter may employ a person who holds a shampoo apprentice permit to perform shampooing or conditioning services and shall pay the person at least the federal minimum wage as provided by Section 6, Fair Labor Standards Act of 1938 (29 U.S.C. Section 206).

Sec. 1601.262. ELIGIBILITY FOR BARBER TECHNICIAN/MANICURIST SPECIALTY LICENSE. (a) A person holding a barber technician/manicurist specialty license may perform only barbering as defined by Sections 1601.002(1)(C) through (G).

(b) To be eligible for a barber technician/manicurist specialty license, an applicant must:

- (1) submit an application on a form prescribed by the department;*
- (2) pay the required fee; and*

(3) either:

- (A) hold both an active barber technician license and an active manicurist license; or
- (B) meet the requirements of Subsection (c).

(c) An applicant who qualifies under Subsection (b)(3)(B) must:

(1) be at least 17 years of age and have completed the seventh grade or its equivalent; and

(2) have completed:

(A) 900 hours of instruction in a barber technician/manicurist curriculum in a commission-approved training program; or

(B) 600 hours of instruction in a manicure curriculum and 300 hours of instruction in a barber technician curriculum in a commission-approved training program.

Sec. 1601.263. ELIGIBILITY FOR BARBER TECHNICIAN/HAIR WEAVING SPECIALTY LICENSE. (a) A person holding a barber technician/hair weaving specialty license may perform only barbering as defined by Sections 1601.002(1)(C), (D), (G), and (H).

(b) To be eligible for a barber technician/hair weaving specialty license, an applicant must:

(1) submit an application on a form prescribed by the department;

(2) pay the required fee; and

(3) either:

(A) hold both an active barber technician license and an active hair weaving specialty certificate of registration; or

(B) meet the requirements of Subsection (c).

(c) An applicant who qualifies under Subsection (b)(3)(B) must:

(1) be at least 17 years of age and have completed the seventh grade or its equivalent; and

(2) have completed:

(A) 600 hours of instruction in a barber technician/hair weaving curriculum in a commission-approved training program; or

(B) 300 hours of instruction in a hair weaving curriculum and 300 hours of instruction in a barber technician curriculum in a commission-approved training program.

SECTION 5. Section 1601.352, Occupations Code, is amended to read as follows:

Sec. 1601.352. APPLICATION FOR BARBER SCHOOL PERMIT. ~~[(a)]~~An applicant for a barber school permit must:

(1) provide to the department adequate proof of financial responsibility;

(2) submit an application on a form prescribed by the department;

(3) satisfy the facility and equipment requirements of Section 1601.353; and

(4) pay the required fee ~~[demonstrate to the department that the school meets the requirements of this subchapter for issuance of a permit].~~

~~[(b) Before issuing a barber school permit, the department must determine that the applicant is financially sound and capable of fulfilling the applicant's commitments for training.]~~

SECTION 6. Section 1601.353, Occupations Code, is amended to read as follows:

Sec. 1601.353. REQUIRED FACILITIES AND EQUIPMENT. ~~[(a)]~~The department may ~~[not]~~ approve an application for a permit for a barber school ~~if [that provides training leading to issuance of a Class A barber certificate unless]~~ the school ~~[has]~~:

(1) is located in:

(A) a municipality with a population of more than 50,000 that has a building of permanent construction containing at least 2,000 ~~[2,800]~~ square feet of floor space, including classroom and practical areas, covered in ~~[divided into at least]~~

- ~~[(A) a senior department;~~
- ~~[(B) a junior department;~~
- ~~[(C) a class theory room;~~
- ~~[(D) a supply room;~~
- ~~[(E) an office space; and~~
- ~~[(F) separate restrooms for male and female students;~~
- (2) a hard-surface floor-covering of tile or other suitable material; or
 - (B) a municipality with a population of 50,000 or less or an unincorporated area of a county that has a building of permanent construction containing at least 1,000 square feet of floor space, including classroom and practical areas, covered in a hard-surface floor-covering of tile or other suitable material;
- (2) has the following equipment:
 - (A) ~~[(3)]~~ at least 10 student workstations that include a chair that reclines, a back bar, and a wall mirror ~~[20 modern barber chairs, including a cabinet and mirror for each chair];~~
 - (B) ~~[(4)]~~ a sink behind every two workstations ~~[barber chairs];~~
 - (C) ~~[(5)]~~ a liquid sterilizer for each workstation ~~[barber chair];~~
 - (D) ~~[(6) an adequate number of latherers, vibrators, and hair dryers for student use;~~
- ~~[(7)]~~ adequate lighting for each room;
- (E) ~~[(8)]~~ at least 10 ~~[20]~~ classroom chairs and other materials necessary to teach the required subjects; and
- (F) access to permanent restrooms and ~~[, a blackboard, anatomical charts of the head, neck, and face, and one barber chair in the class theory room;~~
- ~~[(9) at least one medical dictionary and a standard work on human anatomy;~~
- ~~[(10)]~~ adequate drinking fountain facilities ~~[, with at least one for each floor];~~ and
- (3) meets any other requirement set by the commission
- ~~[(11) at least one fire extinguisher].~~
- (b) An applicant for a barber school permit must submit to the department:
 - ~~[(1) a detailed drawing and chart of the proposed physical layout of the school, showing the departments, floor space, equipment, lights, and outlets;~~
 - ~~[(2) photographs of the proposed site for the school, including the interior and exterior of the building, rooms, and departments;~~
 - ~~[(3) a detailed copy of the training program;~~
 - ~~[(4) a copy of the catalogue and promotional literature of the school;~~
 - ~~[(5) a copy of the building lease or proposed building lease if the building is not owned by the school;~~
 - ~~[(6) a sworn statement showing the ownership of the school; and~~
 - ~~[(7) the required permit fee.]~~

SECTION 7. Subsection (b), Section 1601.402, Occupations Code, is amended to read as follows:

(b) A Class A barber, barber technician, *instructor* ~~[teacher]~~, manicurist, or other licensed specialist must renew the person's certificate or license on or before the expiration date.

SECTION 8. Subsection (a), Section 1601.405, Occupations Code, is amended to read as follows:

(a) The department may not require a Class A barber, barber technician, *instructor* ~~[teacher]~~, or manicurist who is serving on active duty in the United States armed forces to renew the person's certificate or license.

SECTION 9. Section 1601.560, Occupations Code, is amended to read as follows:

Sec. 1601.560. *INSTRUCTOR-TO-STUDENT RATIO* ~~[QUALIFIED INSTRUCTOR].~~
 (a) ~~A [In addition to the teacher required by Section 1601.355(b), a] barber school must [that provides training leading to issuance of a Class A barber certificate shall] have at least one [qualified] instructor[, holding a Class A certificate,] for every 25 students on the school's premises. [A teacher may serve as an instructor in practical work in addition to holding a position as a theory teacher.]~~

(b) ~~A barber school must have at least one instructor for every three student instructors on the school's premises [may not enroll more than one student teacher for each certified teacher who teaches at the school]. A student instructor [teacher] shall concentrate on developing teaching skills and may not be booked with customers.~~

SECTION 10. Subsection (b), Section 1601.563, Occupations Code, is amended to read as follows:

(b) A barber school's refund policy must provide that:

(1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in *scheduled* ~~[clock]~~ hours, *as specified by an enrollment agreement, contract, or other document acceptable to the department;*

(2) the effective date of the termination for refund purposes is the earliest of:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date the permit holder receives the student's written notice of withdrawal; or

(C) 10 school days after the last date of attendance; and

(3) the school may retain not more than \$100 if:

(A) tuition is collected before the course of training begins; and

(B) the student does not begin the course of training before the date the cancellation period under Section 1601.562 expires.

SECTION 11. Section 1601.602, Occupations Code, is amended to read as follows:

Sec. 1601.602. *REVOCATION OF STUDENT INSTRUCTOR'S* ~~[TEACHER'S]~~ *BARBER CERTIFICATE.* A violation of Section 1601.560(b) by a student *instructor* ~~[teacher]~~ is a ground for the revocation of the ~~[person's]~~ student *instructor's* ~~[teacher]~~ barber *certificate* ~~[license]~~.

SECTION 12. Subsection (a), Section 1602.002, Occupations Code, is amended to read as follows:

(a) In this chapter, "cosmetology" means the practice of performing or offering to perform for compensation any of the following services:

(1) treating a person's hair by:

(A) providing any method of treatment as a primary service, including arranging, beautifying, bleaching, cleansing, coloring, cutting, dressing, dyeing, processing, shampooing, shaping, singeing, straightening, styling, tinting, or waving;

(B) providing a necessary service that is preparatory or ancillary to a service under Paragraph (A), including bobbing, clipping, cutting, or trimming; or

(C) cutting the person's hair as a separate and independent service for which a charge is directly or indirectly made separately from charges for any other service;

(2) weaving or braiding a person's hair;

(3) shampooing and conditioning a person's hair;

(4) servicing a person's wig or artificial hairpiece on a person's head or on a block after the initial retail sale and servicing in any manner listed in Subdivision (1);

(5) treating a person's mustache or beard by arranging, beautifying, coloring, processing, styling, or trimming;

(6) cleansing, stimulating, or massaging a person's scalp, face, neck, or arms:

(A) by hand or by using a device, apparatus, or appliance; and

(B) with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

- (7) beautifying a person's face, neck, or arms using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, clay, cream, or appliance;
- (8) administering facial treatments;
- (9) removing superfluous hair from a person's body using depilatories, *preparations*, or *tweezing techniques* [~~mechanical tweezers~~];
- (10) treating a person's nails by:
 - (A) cutting, trimming, polishing, tinting, coloring, cleansing, or manicuring; or
 - (B) attaching false nails; [~~or~~]
- (11) massaging, cleansing, treating, or beautifying a person's hands or feet; or
- (12) *applying semipermanent, thread-like extensions composed of single fibers to a person's eyelashes.*

SECTION 13. Section 1602.254, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) To be eligible for an operator license, an applicant must *meet the requirements of Subsection (c) or*:

- (1) be at least 17 years of age;
- (2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and
- (3) have completed:
 - (A) 1,500 hours of instruction in a licensed beauty culture school; or
 - (B) 1,000 hours of instruction in beauty culture courses and 500 hours of related high school courses prescribed by the commission in a vocational cosmetology program in a public school.

(c) *The commission shall adopt rules for the issuance of an operator license under this section to a person who holds a Class A barber certificate. The department shall issue the license to an applicant who:*

- (1) *holds an active Class A barber certificate;*
- (2) *completes 300 hours of instruction in cosmetology through a commission-approved training program in a cosmetology school;*
- (3) *passes the examination required under Section 1602.262; and*
- (4) *submits to the department:*
 - (A) *an application on a form prescribed by the department; and*
 - (B) *the required fee.*

SECTION 14. Subsections (b) and (c), Section 1602.255, Occupations Code, are amended to read as follows:

(b) To be eligible for an instructor license, an applicant must:

- (1) be at least 18 years of age;
- (2) have a high school diploma [~~completed the 12th grade~~] or a high school equivalency certificate [~~its equivalent~~];
- (3) hold an operator license *under this chapter*; [~~and~~]
- (4) have [~~completed~~]:
 - (A) ~~completed~~ [~~a course consisting of~~] 750 hours of instruction in [~~cosmetology courses and~~] methods of teaching in:
 - (i) a licensed private beauty culture school; or
 - (ii) a vocational training program of a publicly financed postsecondary institution; [~~or~~]
 - (B) *completed* at least:

(i) *one year* [~~two years~~] of verifiable experience as a licensed *cosmetology* operator; and

(ii) *500* [250] hours of instruction in cosmetology in a commission-approved training program;

(C) *completed 15 semester hours in education courses through an accredited college or university within the 10 years before the date of application; or*

(D) *obtained a degree in education from an accredited college or university; and*

(5) *pass the examination required under Section 1602.262.*

(c) The commission shall adopt rules for the licensing of specialty instructors to teach specialty courses in the practice of cosmetology defined in Sections 1602.002(a)(7) [1602.002(7)], (9), [and] (10), and (12).

SECTION 15. Section 1602.257, Occupations Code, is amended to read as follows:

Sec. 1602.257. **ELIGIBILITY FOR *ESTHETICIAN* [A FACIALIST] SPECIALTY LICENSE.** (a) A person holding an *esthetician* [a ~~facialist~~] specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(6), (7), (8), [through] (9), and (12).

(b) To be eligible for an *esthetician* [a ~~facialist~~] specialty license, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed 750 hours of instruction in *esthetics* [facialist] specialty through a commission-approved training program.

SECTION 16. Subchapter F, Chapter 1602, Occupations Code, is amended by adding Sections 1602.2571 and 1602.2572 to read as follows:

Sec. 1602.2571. **ELIGIBILITY FOR A SPECIALTY LICENSE IN EYELASH EXTENSION APPLICATION.** (a) A person holding a specialty license in eyelash extension application may perform only the practice of cosmetology defined in Section 1602.002(a)(12).

(b) To be eligible for a specialty license in eyelash extension application, an applicant must:

(1) be at least 17 years of age;

(2) have obtained a high school diploma or the equivalent of a high school diploma or have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(3) have completed a training program described by Section 1602.2572 that has been approved by the commission.

Sec. 1602.2572. **EYELASH EXTENSION APPLICATION TRAINING PROGRAM.** (a) An eyelash extension application training program must include at least 320 hours of classroom instruction and practical experience, including at least eight hours of theoretical instruction, and include instruction in the following areas:

(1) recognizing infectious or contagious diseases of the eye and allergic reactions to materials;

(2) proper sanitation practices;

(3) occupational health and safety practices;

(4) eyelash extension application procedures; and

(5) eyelash extension isolation and separation procedures.

(b) An instructor at an eyelash extension application training program must comply with Section 1602.251(b).

(c) The commission shall adopt rules regarding eyelash extension application training programs and may establish or designate approved training programs.

SECTION 17. Subchapter F, Chapter 1602, Occupations Code, is amended by adding Section 1602.261 to read as follows:

Sec. 1602.261. ELIGIBILITY FOR MANICURIST/ESTHETICIAN SPECIALTY LICENSE. (a) A person holding a manicurist/esthetician specialty license may perform only the practice of cosmetology defined in Sections 1602.002(a)(6) through (11).

(b) To be eligible for a manicurist/esthetician specialty license, an applicant must:

- (1) submit an application on a form prescribed by the department;*
- (2) pay the required fee; and*
- (3) either:*

(A) hold both an active manicurist specialty license and an active esthetician specialty license; or

(B) meet the educational requirements of Subsection (c).

(c) An applicant who qualifies under Subsection (b)(3)(B) must:

(1) either:

(A) have obtained a high school diploma or a high school equivalency certificate; or

(B) have passed a valid examination administered by a certified testing agency that measures the person's ability to benefit from training; and

(2) have completed:

(A) 1,200 hours of instruction in a manicure/esthetics specialty curriculum in a commission-approved training program; or

(B) 600 hours of instruction in a manicure curriculum and 750 hours of instruction in an esthetics curriculum in commission-approved training programs.

SECTION 18. Section 1602.262, Occupations Code, is amended to read as follows:

Sec. 1602.262. ISSUANCE OF LICENSE OR CERTIFICATE. (a) An applicant for a [an operator] license under this chapter[, instructor license, manicurist specialty license, or facialist specialty license] is entitled to the license if the applicant:

- (1) meets the applicable eligibility requirements;*
- (2) passes the applicable examination;*
- (3) pays the required fee; [and]*
- (4) has not committed an act that constitutes a ground for denial of the license; and*
- (5) submits an application on a form prescribed by the department.*

(b) An applicant for a specialty certificate is entitled to the certificate if the applicant:

- (1) meets the eligibility requirements;*
- (2) pays the required fee; [and]*
- (3) has not committed an act that constitutes a ground for denial of the certificate; and*
- (4) submits an application on a form prescribed by the department.*

SECTION 19. Subsection (c), Section 1602.267, Occupations Code, is amended to read as follows:

(c) A shampoo apprentice permit expires on the second [first] anniversary of the date of issuance and may not be renewed.

SECTION 20. Subsections (a) and (b), Section 1602.303, Occupations Code, are amended to read as follows:

(a) A person holding a private beauty culture school license may maintain an establishment in which any practice of cosmetology is taught, including providing an eyelash extension application training program described by Section 1602.2572.

(b) An application for a private beauty culture school license must be accompanied by the required license fee and inspection fee and:

- (1) be on a form prescribed by the department;*
- (2) be verified by the applicant; and*
- (3) contain a statement that the building:*

(A) is of permanent construction and is divided into at least two separate areas:

- (i) one area for instruction in theory; and
- (ii) one area for clinic work;

(B) contains a minimum of:

(i) 2,800 ~~[3,500]~~ square feet of floor space *if the building is located in a county with a population of more than 100,000; or*

(ii) 1,800 square feet of floor space *if the building is located in a county with a population of 100,000 or less;*

(C) has access to permanent restrooms and adequate drinking fountain facilities ~~[separate restrooms for male and female students];~~ and

(D) contains, or will contain before classes begin, the equipment established by commission rule as sufficient to properly instruct a minimum of 10 ~~[50]~~ students.

SECTION 21. Subsection (a), Section 1602.305, Occupations Code, is amended to read as follows:

(a) A person holding a specialty shop license may maintain an establishment in which only the practice of cosmetology as defined in Section 1602.002(a)(2) ~~[1602.002(2)]~~, (4), (7), (9), ~~[or]~~ (10), *or (12)* is performed.

SECTION 22. Subsection (a), Section 1602.451, Occupations Code, is amended to read as follows:

(a) The holder of a private beauty culture school license shall:

- (1) maintain a sanitary establishment;
- (2) maintain ~~[on its staff and]~~ on duty ~~[during business hours]~~ one full-time licensed instructor for each 25 students in attendance;
- (3) maintain a daily record of students' attendance;
- (4) establish regular class and instruction hours and grades;
- (5) require a school term of not less than nine months and not less than 1,500 hours instruction for a complete course in cosmetology;
- (6) require a school term of not less than 600 hours instruction for a complete course in manicuring;
- (7) hold examinations before issuing diplomas;
- (8) maintain a copy of the school's curriculum in a conspicuous place and verify that the curriculum is being followed;
- (9) publish in the school's catalogue and enrollment contract a description of the refund policy required under Section 1602.458; and
- (10) provide the department with information on:
 - (A) the current course completion rates of students who attend a course of instruction offered by the school; and
 - (B) job placement rates and employment rates of students who complete the course of instruction.

SECTION 23. Subsection (b), Section 1602.458, Occupations Code, is amended to read as follows:

(b) The refund policy must provide that:

- (1) the refund is based on the period of the student's enrollment, computed on the basis of course time expressed in *scheduled* ~~[clock]~~ hours, *as specified by an enrollment agreement, contract, or other document acceptable to the department;*
- (2) the effective date of the termination for refund purposes is the earliest of:
 - (A) the last date of attendance, if the student is terminated by the school;
 - (B) the date the license holder receives the student's written notice of withdrawal; or
 - (C) 10 school days after the last date of attendance; and
- (3) the school may retain not more than \$100 if:
 - (A) tuition is collected before the course of training begins; and

(B) the student fails to withdraw from the course of training before the cancellation period expires.

SECTION 24. Section 1603.255, Occupations Code, is amended to read as follows:

Sec. 1603.255. **EARLY EXAMINATION.** The department~~[, on written request by a student,]~~ may allow ~~[provide]~~ for the early written examination of a *student who has completed the following number of [an applicant for a Class A barber certificate, a teacher's certificate, or an operator license who has completed at least 1,000]* hours of instruction in a department-approved training program:

(1) *1,000 hours for a student seeking a Class A barber certificate or operator license in a private barber or cosmetology school; or*

(2) *900 hours for a student seeking a Class A barber certificate or operator license in a publicly funded barber or cosmetology school.*

SECTION 25. Subsections (a), (b), and (c), Section 1603.352, Occupations Code, are amended to read as follows:

(a) A person who holds a license, certificate, or permit issued under this chapter, Chapter 1601, or Chapter 1602 and who performs a barbering service described by Section 1601.002(1)(E) or (F) or a cosmetology service described by Section 1602.002(a)(10) or (11) shall, before performing the service, clean, disinfect, and sterilize with an autoclave or ~~[a]~~ dry heat *sterilizer or sanitize with an[,]* ultraviolet *sanitizer*, ~~[or other department-approved sterilizer,]~~ in accordance with the *sterilizer or sanitizer* manufacturer's instructions, each metal instrument, including metal nail clippers, cuticle pushers, cuticle nippers, and other metal instruments, used to perform the service.

(b) The owner or manager of a barber shop, barber school, beauty shop, specialty shop, beauty culture school, or other facility licensed under this chapter, Chapter 1601, or Chapter 1602, is responsible for providing an autoclave, ~~[or]~~ a dry heat *sterilizer*, or an ultraviolet *sanitizer*~~[, or other department-approved sterilizer]~~ for use in the shop or school as required by Subsection (a). ~~[An autoclave or a dry heat, ultraviolet, or other department-approved sterilizer used as required by Subsection (a) must be listed with the United States Food and Drug Administration.]~~

(c) Each *sterilized or sanitized* instrument must be stored in accordance with the manufacturer's instructions.

SECTION 26. The following provisions of the Occupations Code are repealed:

- (1) Subdivision (5), Subsection (a), Section 1601.001;
- (2) Section 1601.354;
- (3) Section 1601.355; and
- (4) Subsection (b), Section 1602.403.

SECTION 27. (a) The Texas Department of Licensing and Regulation shall conduct a study that analyzes the performance of barber schools under Subchapter L, Chapter 1601, Occupations Code, and beauty culture schools under Subchapter J, Chapter 1602, Occupations Code, including the payment of refunds and recommendations for improvements to the process for the payment of refunds to eligible students.

(b) In conducting the study, the Texas Department of Licensing and Regulation shall consult with:

- (1) the Advisory Board on Barbering;
- (2) the Advisory Board on Cosmetology;
- (3) national accrediting organizations for barbers and cosmetologists;
- (4) representatives of barber schools and beauty culture schools; and
- (5) barbers, cosmetologists, and other interested parties.

(c) Not later than September 1, 2012, the Texas Department of Licensing and Regulation shall report the results of the study to the:

- (1) House Committee on Licensing and Administrative Procedures; and
- (2) Senate Committee on Business and Commerce.

(d) This section expires September 1, 2013.

SECTION 28. (a) The Texas Department of Licensing and Regulation shall issue a specialty license in eyelash extension application under Section 1602.2571, Occupations Code, as added by this Act, to an applicant who:

(1) submits an application on a form prescribed by the department not later than April 1, 2012;

(2) meets the eligibility requirements of Subdivisions (1) and (2), Subsection (b), Section 1602.2571, Occupations Code, as added by this Act;

(3) submits proof of either:

(A) successful completion of a training program provided by an eyelash extension manufacturer or distributor that is approved by the department; or

(B) completion of at least 240 hours of verifiable practical experience performing the practice of cosmetology defined in Subdivision (12), Subsection (a), Section 1602.002, Occupations Code, as added by this Act, at a facility licensed under this chapter; and

(4) pays the required application fee.

(b) A license issued under this section may be renewed in the same manner as a specialty license in eyelash extension application issued under Section 1602.2571, Occupations Code, as added by this Act.

(c) This section expires March 1, 2013.

SECTION 29. (a) Not later than February 1, 2012, the Texas Commission of Licensing and Regulation shall adopt rules to implement Sections 1602.2571 and 1602.2572, Occupations Code, as added by this Act, and Section 28 of this Act.

(b) A person is not required to hold a specialty license in eyelash extension application issued under Section 1602.2571, Occupations Code, as added by this Act, until June 1, 2012.

SECTION 30. To the extent of any conflict, the change in law made by this Act to Paragraph (B), Subdivision (3), Subsection (b), Section 1602.303, Occupations Code, prevails over a change in law made by any other Act of the 82nd Legislature, Regular Session, 2011, regardless of the relative dates of enactment.

SECTION 31. (a) The changes in law made by this Act apply only to an application for the issuance or renewal of a license or certificate that is filed with the Texas Department of Licensing and Regulation on or after the effective date of this Act. An application for the issuance or renewal of a license or certificate that is filed before the effective date of this Act is governed by the law in effect on the date the application was filed, and the former law is continued in effect for that purpose.

(b) Except as provided by Subsection (a), Section 29 of this Act, the Texas Commission of Licensing and Regulation shall adopt rules necessary to implement the changes in law made by this Act not later than March 31, 2012.

SECTION 32. This Act takes effect September 1, 2011.

Passed the Senate on April 14, 2011: Yeas 30, Nays 0; the Senate concurred in House amendments on May 27, 2011: Yeas 31, Nays 0; passed the House, with amendments, on May 25, 2011: Yeas 147, Nays 0, one present not voting.

Approved June 17, 2011.

Effective September 1, 2011.

CHAPTER 1242

S.B. No. 1320

AN ACT

relating to the execution of written instruments relating to residential real estate transactions and deeds conveying residential real estate in connection with certain transactions involving residential real estate; providing a civil penalty.